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MAR 10 2005

Docket No. 742111-133

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Nils Peter REENBERG) Examiner: Tuan Duc Nguyen
Serial No. 10/069,978) Group Art Unit: 2643
Filed: 03/14/2002)
For: DIAPHRAGM TRANSDUCER)

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. (703) 872-9306
on March 10, 2005.


Kathleen M. McManus

PETITION TO REVIVE UNAVOIDABLY ABANDONED APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On December 10, 2004, a Request for Reissuance of Office Action and Contingent Petition was filed in the USPTO by telefax with a Certificate of Mailing. A copy of this Request and delivery acknowledgement are attached hereto. On December 14, 2004, a Notice of Abandonment was issued, and while the Examiner was subsequently advised by telephone of the filing of this Request which included a contingent petition to revive, however, as of yet, since no action had been taken by the Office, the status of this matter was checked via PAIR, and it was noted that applicant's request still has not been entered into the file of the present application (see attached printout of the PAIR record as of March 9, 2005). Thus, applicant is now formally petitioning that this application be revived as having become abandoned as a result of unavoidable circumstances. That is, as noted in the December 10th Request, the undersigned first learned that an Office Action had been issued in connection with the above-captioned patent application on February 5, 2004, as a result of a telephone call from the Examiner December 7, 2004. However, the indicated Office Action was never received by applicant's attorneys (in fact its content is still unknown). The fact that the Office Action was never received is reflected by that appended printout of the docket entries for the subject application which the undersigned

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printed out from his firm's docketing system at the time he first learned of this situation. As can be seen from this printout, the receipt of an Office Action is not listed, the last entry being the filing of a status inquiry letter with the Office in September of 2003. The "closed by script" designation in the "Action Notes" column is the result of a program that was run when the undersigned's firm converted from one docketing to another docketing system and which automatically closed all open items, the date for action of which had passed. Furthermore, since the initial Office Actions from electrical technology centers routinely take two years or more to be issued*, applicant had no reason to suspect that an Office Action might have been issued.

Thus, since the Office Action was evidently lost in the mails, applicant's failure to respond to the Office Action of February 5, 2004, the failure to receive the Office Action made it unavoidable that a response thereto would not be filed.

Please charge the Petition to revive – unavoidable fee of \$250.00 to Deposit Account No. 19-2380(742111-133); however, if deemed necessary, in order to have the application reinstated and a new Office Action issued, for revival, as an unintentional abandonment instead of an unavoidable one, then the Commissioner is hereby authorized to charge such fee or any other fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380(742111-133)

Respectfully submitted,

By: 

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* The March 8, 2005, Office Gazette indicates that the average filing date of applications receiving a first office during the past three months from Technology Center 2640 is only now June 2, 2002.